

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

22207-010300US

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on _____

Signature _____

Typed or printed name _____

Application Number

09/617,169

Filed

July 17, 2000

First Named Inventor

Brent E. Pearson

Art Unit

2626

Examiner

Lamont M. Spooner

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Melvin D. Chan/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature

Melvin D. Chan

Typed or printed name

☒ attorney or agent of record. 39,626
Registration number _____

408-701-0035

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

August 16, 2007

Registration number if acting under 37 CFR 1.34 _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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United States Patent and Trademark Office

Application No.: 09/617,169
Confirmation No.: 7640
Customer No.: 51111
Docket No.: 22207-010300

Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

Reasons for Preappeal Brief Review Request

Dear Commissioner:

Applicants request a preappeal brief conference review because the rejections of record are clearly based on factual and legal error.

Section 112 Rejection

In the final office action mailed May 16, 2007, the examiner did not specifically indicate that claims 22 and 23 are rejected under section 112, first paragraph. If so, the examiner's rejection is clearly improper and without basis.

As described in applicants' May 3, 2006 response, these claims are fully supported by the specification, which includes the Javascript source code provided in figures 5A, 5B, 8A, 8B, and 8C. Whether Javascript code is specifically recited in claims 22 and 23 is immaterial to this rejection, because the specification clearly supports these claims.

Applicants provide the Javascript source code as merely one embodiment of the invention. There are other possible embodiments. The scope of the invention is defined in the claims, and Applicants choose not to specifically limit the claims to a Javascript embodiment.

Since claims 22 and 23 were not otherwise rejected (e.g., under section 102 or 103), these claims should be allowable.

Section 103 Rejection

One or more claim elements are clearly not shown or suggested by the cited references. Discussion is provided in the record, among other places, on pages 10-14 of the May 3, 2006 response.

In brief, the combination of the Word Reference and Gibson references do not show or suggest, for example,

(i) “a translation window that is *created by a program associated with a primary web page* and is opened in conjunction with a web page window” (emphasis added),

(ii) “wherein the secondary web page is *replaced by a tertiary web page in the web page window while the translation window remains open*” (emphasis added),

(iii) “wherein the program *comprises JavaScript language code stored at the primary web site*” (emphasis added), or

(iv) “wherein the program *comprises JavaScript language code and the program prompts the user to input a URL for the secondary web page*” (emphasis added). Nowhere are these limitations or other limitations of the claims shown or suggested by the references. In forming the section 103 rejection, the examiner has improperly taken official notice of technical matters or is using impermissible hindsight, or both.

Therefore, all claims should be allowable.

Respectfully submitted,

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